

### REMARKS

The Office Action of October 16, 2007 has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. Applicant appreciates the Examiner's Interview of January 16, 2008.

#### I. STATUS OF THE CLAIMS

Claims 1-20 are pending in the application.

Independent claims 1, 7, and 14 have been amended to further define the invention. Support for the amendments can be found in original claim 10, among other places. No new matter has been added.

Dependent claim 4 has been amended to further define the invention. Support for the amendment can be found in Applicant's Specification, paragraph 15. No new matter has been added.

Dependent claim 10 has been amended for consistency. No new matter has been added.

Claims 7, 8, and 10-13 have been amended to affirmatively state actions taken by the components of the system. No new matter has been added.

Dependent claim 12 has been amended to further define the invention. Support for the amendment can be found in Applicant's Specification, paragraph 31.

Claims 14, 17, and 18 were objected to based on informalities.

Claims 1, 3, 5, 7, 9-11, and 13-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Larsen, United States Patent # 7,134,088, issued on November 7, 2006, published on March 27, 2003, filed on July 3, 2002 (Larsen). Applicant respectfully points out that Larsen was published

within one year of Applicant's filing date, July 14, 2003. Applicant reserves the right to swear behind Larsen.

Claims 2, 6, and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Larsen in view of Neiman, United States Patent # 6,604,126, issued on August 5, 2003, filed on June 29, 2001, published on January 2, 2003 (Neiman). Applicant respectfully points out that Neiman was published within one year of Applicant's filing date, July 14, 2003. Applicant reserves the right to swear behind Neiman.

Claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Larsen in view of Pyle, United States Patent # 4,446,454, issued on May 1, 1984.

## II. REQUEST FOR A ONE-MONTH EXTENSION OF TIME

Applicant herein requests a one-month extension of time under 37 C.F.R. § 1.136(a). Thus, this response to the Office Action mailed on October 16, 2007, is timely filed, with the one-month extension of time, on or before February 16, 2008.

## III. INTERVIEW OF JANUARY 16, 2008

Applicant's representative, Kathleen Chapman, and the Examiner, Cameron Saadat, met by telephone on January 16, 2008, and discussed claims 1, 7, 10, 12, and 14. The Examiner suggested claim language to further define the invention and to clarify the distinction between the invention and the cited references, in particular, Larsen and Pyle.

#### IV. OBJECTIONS TO THE CLAIMS

On page 2, the Office Action states that claims 14, 17, and 18 are objected to because the claim language is grammatically incorrect (claim 14), and because the claims are unclear (claims 17 and 18).

With respect to claim 14, it is submitted that the claim properly stated the limitations that the step of photographing included pre-determined locations in, and parts of, the building. However, for further clarity, Applicant has amended claim 14. No new matter has been added.

Applicant has amended dependent claim 18 to further define the invention. Support for the amendment can be found in Applicant's Specification, paragraph 33.

With respect to claims 17 and 18, Applicant respectfully refers Examiner to *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994) and *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995 order) in which computer program products are statutory subject matter, and the form of the claims is statutory as well.

#### V. REJECTIONS UNDER 35 U.S.C. § 102

On pages 2-5, the Office Action states that claims 1, 3, 5, 7, 9-11, and 13-20 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Larsen.

Applicant respectfully points out that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (CAFC, 1987), M.P.E.P. § 2131. As provided by the remarks set forth below, clearly this is not the case with the present rejection of the claims.

With respect to amended independent claims 1, 7, and 14, it is submitted that Larsen does not disclose or suggest Applicant's claimed steps of receiving updates to existing information and

interrelating or linking updated information based on updated relationships because Larsen is limited to adding data to the system. Larsen states "creating, formatting, layering and linking images and maps" (Larsen, Appendix A, col. 12, lines 5-6), but nowhere states Applicant's claimed receiving updates to existing information and interrelating the updates. In Larsen's system, information is gathered and stored, but there is no provision to receive updates to that information, and no provision to interrelate the updated information.

It is submitted that dependent claims 3, 5, 9-11, 13, and 15-20 are patentable at least by virtue of their selected dependence upon amended independent claims 1, 7, and 14.

Since Larsen does not teach each and every element of Applicant's amended independent claim 1, 7, and 14, and dependent claims 3, 5, 9-11, 13, and 15-20, which depend therefrom, Applicant's amended independent claims 1, 7, and 14, and dependent claims 3, 5, 9-11, 13, and 15-20 are not anticipated by Larsen, and a rejection under 35 U.S.C. § 102(b) is inappropriate. Further, it is submitted that amended independent claims 1, 7, and 14, and dependent claims 3, 5, 9-11, 13, and 15-20 are not made obvious by Larsen under 35 U.S.C. § 103. Applicant asserts that amended independent claims 1, 7, and 14, and dependent claims 3, 5, 9-11, 13, and 15-20 are now in condition for allowance. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 102(b) with regards to amended independent claims 1, 7, and 14, and dependent claims 3, 5, 9-11, 13, and 15-20 for the reasons set forth above.

## VI. REJECTIONS UNDER 35 U.S.C. § 103

On pages 5-6, the Office Action states that claims 2, 6, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Larsen in view of Neiman.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be

found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With respect to dependent claim 6, it is submitted that Applicant's claimed handheld device is not made obvious by Larsen and Neiman because (1) Larsen limits its CPU to a personal computer, and storage of its computer program to a storage medium such as a hard drive, and (2) the addition of Neiman to Larsen would render Larsen unsuitable for its intended purpose. With respect to (1), Larsen, filed on July 3, 2002, could clearly have broadened the operating platform to include handheld devices, and/or a client/server configuration, but did not. With respect to (2), Neiman's system requires a client/server configuration, in particular, to use the handheld device as a client. Neiman's client/server system cannot be overlain on Larsen's CPU with local, and possibly remote, storage of the data only. No shared processing is being done in Larsen, nor is it contemplated. Although it is not stated why Larsen has limited the configuration, it can be assumed that response time is the deciding factor. Larsen's spherical images, especially those with the detail required for Larsen's application, would require a very high transfer rate to provide the data to the user in a reasonable amount of time. The configuration in Neiman that includes the PDA would not meet this requirement because the PDA in Neiman is not performing any processing. Thus, the introduction of Neiman's architecture would render Larsen unsuitable for its intended purpose of providing tactical information during crisis situations in a timely manner.

It is submitted that dependent claims 2 and 8 are patentable at least by virtue of their selected dependence upon amended independent claims 1 and 7.

On page 6, the Office Action states that claims 4 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Larsen in view of Pyle.

With respect to amended dependent claim 4, it is submitted that Larsen and Pyle do not make obvious Applicant's claimed step of automatically contacting individuals through use of electronic contact information automatically determined from the linked characteristic information because (1) Larsen does not disclose or suggest automatically contacting individuals through use of electronic contact information automatically determined from linked characteristics information, (2) Pyle cannot make up this deficiency because Pyle's contact information is not related to linked characteristics information, and (3) the addition of Pyle to Larsen would render Larsen unsuitable for its intended

purpose. With respect to (1) Larsen is limited to listing contact information in the third window when critical information is requested, but does not automatically contact the people associated with the contact information. With respect to (2), Pyle contacts a “designated emergency number”, that is, Pyle is limited to a single telephone number, and that number is not associated with anything, but is a number programmed into the central monitoring unit system. Pyle states that:

FIG. 4 is similar to FIG. 3 except a conventional fire and smoke alarm detection sensor 420 is shown mounted to the ceiling of a room. When fire or smoke is detected, an audible alarm represented by the diagrammed lines propagates through the room. secondary monitoring unit 430 detects the audible acoustic alarm from the fire and smoke detection sensor and transmits an electronic signal over the house wiring to a central monitoring unit 450. An automatic telephone dialer 460 is then activated [by the central monitoring unit] to make a telephone call to a *designated emergency number*, for example, the police or fire department dispatcher. [Emphasis added] (Pyle, col. 5, lines 43-54)

With respect to (3), Larsen states a standalone CPU that is not integrated with the wiring of any building, and, in particular, the building in which the crisis was occurring, as in Pyle. Such a configuration would, in many cases, make Larsen unsuitable for its intended purpose, because the building for which Larsen is displaying information could be on fire or otherwise uninhabitable. The purpose of the system of Larsen is to assist emergency personnel while the building is in crisis, which could involve disabling of the building’s electrical system and/or affecting the integrity of the building’s wiring. Since Pyle relies on the wiring to automatically dial the emergency number, such a configuration would not work in the expected environment in which Larsen is targeted to service.

With respect to amended dependent claim 12, it is submitted that neither Larsen nor Pyle make obvious Applicant’s claimed dispatcher that provides instructions to the responding contacts because (1) neither Larsen nor Pyle discloses or suggests providing instructions to the responding contacts, and (2) as stated previously, the addition of Pyle to Larsen would render Larsen unsuitable for its intended purpose. With respect to (1), neither Larsen nor Pyle receive any indication that any of the people on the contact list respond at all, and therefore, neither provides instructions to the responding contacts. Larsen simply lists possible contacts, and Pyle contacts a particular number when it receives a signal through the building’s wiring system. Neither discloses or suggests the concept of responding contacts because communication, when it is disclosed, is one-way in their systems.

Since none of Larsen, Neiman, or Pyle, either individually or in combination, teaches or suggests each and every element of Applicant's dependent claims 2, 4, 6, 8, and 12, Applicant's dependent claims 2, 4, 6, 8, and 12 are not made obvious by Larsen, Neiman, and Pyle, and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicant asserts that dependent claims 2, 4, 6, 8, and 12, are now in condition for allowance. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) with regards to dependent claims 2, 4, 6, 8, and 12 for the reasons set forth above.

## VII. CONCLUSION

Independent claims 1, 7, and 14 are believed to be in condition for allowance for the reasons provided herein. It is submitted that dependent claims 2-6, 8-13, and 15-20, are also allowable for the reasons presented above, and further because they selectively depend upon independent claims which are believed to be in condition for allowance, and are therefore also believed to be in condition for allowance.

The Commissioner for Patents is authorized to charge the small entity fee of \$60 for a one-month extension of time, and any other fees, or credit overpayment to Deposit Account No. 03-2410, Order No. 32157.00101.

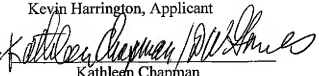
The following information is presented in the event that a call may be deemed desirable by the Examiner: Kathleen Chapman (617) 345-3210.

Respectfully submitted,

Kevin Harrington, Applicant

Date: January 29, 2008

By:

  
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